

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED TENTH LEGISLATIVE DAY
FRIDAY, MAY 1, 2009

Senate Chamber

At the request of the President, Acting President Darrington called the Senate to order at 8:30 a.m.

Roll call showed all members present except Senators Lodge, Mortimer, and Siddoway, and Acting Senator Thorson, absent and formally excused by the Chair; and Senator Hammond, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 30, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 30, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1183](#), [S 1224](#), [S 1226](#), [S 1229](#), [S 1230](#), and [S 1231](#) were delivered to the Office of the Governor at 9:35 a.m., April 30, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 30, 2009

The JUDICIARY AND RULES Committee reports that [S 1112](#), as amended, as amended in the House, [S 1166](#), as amended, [S 1227](#), and [S 1232](#), as amended, have been correctly enrolled.

DARRINGTON, Chairman

The Acting President announced that Enrolled [S 1112](#), as amended, as amended in the House, [S 1166](#), as amended, [S 1227](#),

and [S 1232](#), as amended, will be held at the desk for the signature of the President and, when so signed, will be transmitted to the House for the signature of the Speaker.

April 30, 2009

The FINANCE Committee reports out [H 369](#) and [H 371](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 369](#) and [H 371](#) were filed for second reading.

April 30, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 335](#) with the recommendation that it do pass.

ANDREASON, Chairman

[H 335](#) was filed for second reading.

May 1, 2009

The STATE AFFAIRS Committee reports out [H 372](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [H 372](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1133](#) and [S 1184](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed John C. Broadsword of Sagle, Idaho, to be Acting State Senator for Legislative District 2, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho.

This appointment is effective May 4, 2009, and will continue until such time as Senator Joyce M. Broadsword is able to resume her duties.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Joyce M. Broadsword, State Senator, District 2, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, has nominated John C. Broadsword of Sagle, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 2, Benewah, Bonner, Kootenai, and Shoshone Counties.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint John C. Broadsword to the office of State Senator, District 2, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, for a term commencing on May 4, 2009, and continuing until such time as Senator Broadsword is able to resume her duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Thirtieth day of April, in the year of our Lord two thousand nine and of the Independence of the United States of America, the two hundred thirty-third year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

April 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Brenda Heinrich of Cascade, Idaho, to be Acting State Senator for Legislative District 8, Clearwater, Idaho, Lewis and Valley Counties, State of Idaho.

This appointment is effective May 4, 2009, and will continue until such time as Senator Leland G. Heinrich is able to resume his duties.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Leland G. Heinrich,

State Senator, District 8, Clearwater, Idaho, Lewis and Valley Counties, State of Idaho, has nominated Brenda Heinrich of Cascade, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 8, Clearwater, Idaho, Lewis and Valley Counties.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Brenda Heinrich to the office of State Senator, District 8, Clearwater, Idaho, Lewis and Valley Counties, State of Idaho, for a term commencing on May 4, 2009, and continuing until such time as Senator Heinrich is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Thirtieth day of April, in the year of our Lord two thousand nine and of the Independence of the United States of America, the two hundred thirty-third year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

April 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Willis Welker of Idaho Falls, Idaho, to be Acting State Senator for Legislative District 32, Bonneville County, State of Idaho.

This appointment is effective May 4, 2009, and will continue until such time as Senator Dean M. Mortimer is able to resume his duties.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Dean M. Mortimer, State Senator, District 32, Bonneville County, State of Idaho, has nominated Willis Welker of Idaho Falls, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 32, Bonneville County.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Willis Welker to the office of State Senator, District 32, Bonneville County, State of Idaho, for a term commencing on May 4, 2009, and continuing until such time as Senator Mortimer is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Thirtieth day of April, in the year of our Lord two thousand nine and of the

Independence of the United States of America, the two hundred thirty-third year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

May 1, 2009

Dear Mr. President:

I return herewith Enrolled [S 1216](#), [S 1112](#), as amended, as amended in the House, [S 1166](#), as amended, [S 1227](#), and [S 1232](#), as amended, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1216](#), [S 1112](#), as amended, as amended in the House, [S 1166](#), as amended, [S 1227](#), and [S 1232](#), as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 341](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), and [H 353](#), by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills with **H 275** and **H 303 aaS**, **aaS** at the bottom.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 9:32 a.m. until the hour of 10 a.m., Monday, May 4, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary